

IM 2009-011, Assessment and Mitigation of Potential Impacts to Paleontological Resources

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240

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Instruction Memorandum No. 2009-011

Expires: 09/30/2010

To: All State Directors

From: Assistant Director, Renewable Resources and Planning

Subject: Assessment and Mitigation of Potential Impacts to  
Paleontological Resources

Program Areas: Paleontological Resources Management, Environmental Assessment

Purpose: This Instruction Memorandum (IM) provides guidelines for assessing potential impacts to paleontological resources in order to determine mitigation steps for federal actions on public lands under the Federal Land Policy and Management Act (FLPMA) and the National Environmental Policy Act (NEPA). These guidelines also apply where a federal action impacts split-estate lands. In addition, this IM provides field survey and monitoring procedures to help minimize impacts to paleontological resources from federal actions in the case where it is determined that significant paleontological resources will be adversely affected by a federal action.

**Policy/Action:** It is the policy of the BLM that potential impacts from federal actions on public lands, including land tenure adjustments, be identified and assessed, and proper mitigation actions be implemented when necessary to protect scientifically significant paleontological resources.

This policy also applies to federal actions impacting split-estate lands and is subject to the right of landowners to preclude evaluation and mitigation of paleontological resources on their land. Paleontological resources removed from public lands require a Paleontological Resources Use permit for collection. Significant paleontological resources collected from public lands are federal property and must be deposited in an approved repository. Paleontological resources collected from split-estate lands are the property of the surface-estate owner, and their disposition will be in accordance with the surface agreement between the landowner and the permittee.

**Timeframe:** This guidance is effective immediately for all BLM offices.

**Background:** Surface disturbing activities may cause direct adverse impacts to paleontological resources through the damage or destruction of fossils; or loss of valuable scientific information by the disturbance of the stratigraphic context in which fossils are found. Indirect adverse impacts may be created by increased accessibility to important paleontological resources leading to looting or vandalism. Land tenure adjustments may result in the loss of significant paleontological resources to the public if paleontological resources pass from public ownership. Generally, the project proponent is responsible for the cost of implementing mitigation measures including the costs of investigation, salvage and curation of paleontological resources.

This IM together with the Potential Fossil Yield Classification system (PFYC; see IM 2008-009) will provide guidance for the assessment of potential impacts to paleontological resources, field survey and monitoring procedures, and recommended mitigation measures that will better protect paleontological resources impacted by federal actions. This guidance expands and clarifies the guidance in the Handbook H-8270-1 (General Procedural Guidance for Paleontological Resource Management) Chapter III (Assessment & Mitigation) and will be incorporated into the next Handbook revision.

**Impact on Budget:** Costs are minimal for implementation of this guidance since mitigation of paleontological resources is already part of any

approval of surface-disturbing actions on public lands.

Manual/Handbook Affected: Supersedes Handbook H-8270-1 (General Procedural Guidance for Paleontological Resource Management) Chapter

III.B.

Coordination: Washington Office Division of Cultural and Paleontological Resources and Tribal Consultation.

Contact: For questions regarding application of this policy and guidance, please contact Lucia Kuizon, National Paleontologist, at (202) 452-5107 or lkuizon@blm.gov.

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Renewable Resources and Planning

2 Attachments

1- Guidelines for Assessment and Mitigation of Potential Impacts to Paleontological Resources (19 pp)

2- Paleontological Resources Assessment Flowchart (2 pp)